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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/693,890	10/28/2003	Taku Higashiyama	03560.003378	4028

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FITZPATRICK CELLA HARPER & SCINTO
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NEW YORK, NY 10112

EXAMINER

TRAN, THANG V

ART UNIT	PAPER NUMBER
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2627

MAIL DATE	DELIVERY MODE
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07/19/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/693,890

Applicant(s)

HIGASHIYAMA, TAKU

Examiner

Thang V. Tran

Art Unit

2627

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 2 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09 July 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☒ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 8-13 is/are allowed.
- 6) ☐ Claim(s) _____ is/are rejected.
- 7) ☒ Claim(s) 1-7 and 14-16 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 28 October 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- 1) ☒ Certified copies of the priority documents have been received.
 - 2) ☐ Certified copies of the priority documents have been received in Application No. _____.
 - 3) ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

In response to a communication dated 07/09/07, an amendment dated 06/21/07 has been entered and considered with the following results:

Claim Objections – 3& CFR 1.75(a)

1. Claims 1- are objected under 3& CFR 1.75(a) for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 1:

The term “an amount the diffusely reflected light”, line 9, should be -- an amount of diffusely reflected light --.

The term “diffusely- reflected light”, line 10, should be -- diffusely reflected light --.

In claim 2:

It is unclear from the claim as to why an amount of specularly reflected light is detected by specularly-reflected light detection means since it has never been used later in the claim.

In claim 3:

It is unclear how diffusely-reflected light detection means for detecting an amount of diffusely reflected light ... , as recited in this claim, structurally incorporated and relatively operated with detection means for detecting an amount of diffusely reflected light ..., as previously recited in claim 1, lines 8-11. It is apparent that limitations recited in this claim 3 have been previously recited in claim 1.

In claim 6:

The recitation “ to reflected on a predetermined direction light reflected off the surface of the recording medium”, lines 3-4, is suggested to replace with -- to reflect the diffusely reflected light reflected off the recording medium to the detection means--. Otherwise, it is unclear from

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the claim to where the light reflected by the reflector goes or why the light is reflected in a predetermined direction by the reflector.

In claim 14:

The term “an amount the diffusely reflected light”, lines 8- 9, should be -- an amount of diffusely reflected light --.

The term “diffusely- reflected light”, lines 9-10, should be -- diffusely reflected light --.

In claim 15:

It is unclear from the claim as to why an amount of specularly reflected light is detected since it has never been used later in the claim.

In claim 16:

It is unclear from the claim as to what difference between an amount of diffusely reflected light detected in this claim and that detected in previous claim 14, lines 8-10, is. It is apparent that limitations recited in this claim have been previously recited in claim 14.

Claims 4, 5 and 7 fall with their respective parent claim.

Allowable Subject Matter

2. Claims 1-7 and 14-16 would be allowable if rewritten or amended to overcome the objection(s) to under 37 CFR 1.75(a), set forth in this Office action.
3. Claims 1-7 and 14-16 are allowable over the prior art of record as for the reasons given by Applicant in the Remarks dated 6/21/07.
4. Claims 8-13 are allowed over the prior of record for the same previously given in the Office action dated 10/06/06

Conclusion

5. This application is in condition for allowance except for matters as pointed out in the above objection under 37 CFR 1.75(a). Prosecution on the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

6. A shortened statutory period for reply to this action is set to expire **TWO MONTHS** from the mailing date of this letter.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thang V. Tran whose telephone number is (571) 272-7595. The examiner can normally be reached on M-F 9:30AM-6:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nguyen Hoa can be reached on (571) 272-7579. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Thang V. Tran
Primary Examiner
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